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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF ARIZONA**

10 **United States of America,**
11 **Plaintiff,**

12 **v.**

13
14 **Paul D. Gaeta,**
15 **Defendant.**

CR06-1954TUC

INDICTMENT

Violations:

18 U.S.C. § 1001(a)(1)
18 U.S.C. § 1001(a)(2)
18 U.S.C. § 1001(a)(3)

**(Concealment of Material Fact; False
Statements; False Documents)**

16
17 **THE GRAND JURY CHARGES:**

18 **COUNT 1**

19 On or about March 22, 1998 through the present, at or near Tucson, in the District of
20 Arizona, and elsewhere, in a matter within the jurisdiction of the United States Immigration
21 and Naturalization Service and Homeland Security Customs and Border Protection, agencies
22 of the United States, PAUL D. GAETA, did knowingly and willfully falsify, conceal, and
23 cover up the fact of his prior felony charge, a material fact, by trick, scheme, and device, in
24 that he intentionally answered "no" in response to the question "Have you ever been charged
25 with or convicted of any felony offense?" on the United States National Security
26 Questionnaire he submitted on March 22, 1998, to obtain employment with the United States
27 Immigration and Naturalization Service, and then answered "no" to the same question during
28 his background investigation interview on April 14, 1998, and again during subsequent

1 security clearance recertification investigations on February 4, 2003, January 2, 2005, and
2 March 24, 2005, all in connection with his employment with the United States Immigration
3 and Naturalization Service, now known as the Department of Homeland Security Customs
4 and Border Protection, when he then and there well knew that he had been charged on April
5 22, 1978, with Felony Sodomy in the Second Degree, in Buffalo City Court Docket No. 1B-
6 96450, in violation of Title 18, United States Code, Section 1001(a)(1).

7
8 **COUNT 2**

9 On or about January 2, 2005, at or near Tucson, in the District of Arizona, PAUL D.
10 GAETA, did knowingly and willfully make a materially false, fictitious, and fraudulent
11 statement and representation when he intentionally answered "no" in response to the question
12 23(a) on the United States National Security Questionnaire, to wit: "Have you ever been
13 charged with or convicted of any felony offense?," which he submitted in connection with
14 his employment with the Department of Homeland Security Customs and Border Protection,
15 a matter within the jurisdiction of the executive branch of the United States Government,
16 when he then and there well knew that he had been charged on April 22, 1978, with Felony
17 Sodomy in the Second Degree, in Buffalo City Court Docket No. 1B-96450, in violation of
18 Title 18, United States Code, Section 1001(a)(2).

19
20 **COUNT 3**

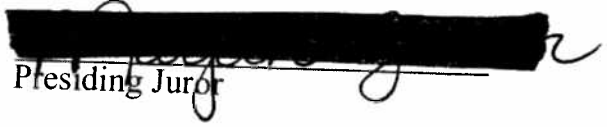
21 On or about January 2, 2005, at or near Tucson, in the District of Arizona, PAUL D.
22 GAETA, did knowingly and willfully make and use a false writing and document knowing
23 the same to contain any materially false, fictitious, or fraudulent statement or entry when he
24 completed and submitted a United States National Security Questionnaire in connection with
25 his employment with the Department of Homeland Security Customs and

1 Border Protection, a matter within the jurisdiction of the executive branch of the United
2 States Government, in which he intentionally answered "no" in response to question 23(a)
3 which asks "Have you ever been charged with or convicted of any felony offense?," when
4 he then and there well knew that he had been charged on April 22, 1978, with Felony
5 Sodomy in the Second Degree, in Buffalo City Court Docket No. 1B-96450, in violation of
6 Title 18, United States Code, Sections 1001(a)(3).

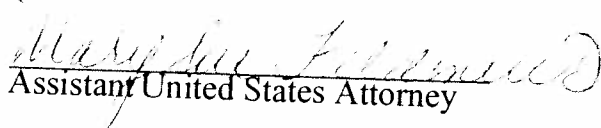
7
8 **COUNT 4**

9 On or about March 24, 2005, at or near Tucson, in the District of Arizona, PAUL D.
10 GAETA, did knowingly and willfully make a materially false, fictitious, and fraudulent
11 statement and representation to U. S. Investigation Services background investigator Janet
12 Hopkins during a security clearance interview in connection with his employment with the
13 Department of Homeland Security Customs and Border Protection, a matter within the
14 jurisdiction of the executive branch of the United States Government, when he intentionally
15 denied to Investigator Hopkins that he had ever been charged with a felony offense, when
16 he then and there well knew that he had been charged on April 22, 1978, with Felony
17 Sodomy in the Second Degree, in Buffalo City Court Docket No. 1B-96450, in violation of
18 Title 18, United States Code, Section 1001(a)(2).

19
20 A TRUE BILL

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22 
Presiding Juror

23 PAUL K. CHARLTON
24 United States Attorney
District of Arizona

25 
26 Assistant United States Attorney

27
28 REDACTED FOR
PUBLIC DISCLOSURE

NOV 21 2006